United Nations PCNICC/2002/L.4/Rev.1

Preparatory Commission for the International Criminal Court

Distr.: Limited
22 July 2002
English
Original: Arabic/English

New York, 1-12 July 2002

Proceedings of the Preparatory Commission at its tenth session (1-12 July 2002)

Summary

Rapporteur: Mr. Salah **Subeimat** (Jordan)

1. The Preparatory Commission for the International Criminal Court, established in accordance with resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, met at United Nations Headquarters from 1 to 12 July 2002, in accordance with General Assembly resolution 56/85 of 12 December 2001.

2. In accordance with paragraph 2 of resolution F of the Conference, the Preparatory Commission consists of representatives of States which signed the Final Act of the Conference and other States which were invited to participate in the Conference.

3. Under paragraph 4 of General Assembly resolution 56/85, the Secretary-General was requested to reconvene the Preparatory Commission, in accordance with resolution F of the Conference, from 8 to 19 April and from 1 to 12 July 2002, so as to continue to carry out the mandate of that resolution and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court.

4. In accordance with paragraph 6 of General Assembly resolution 56/85, the Secretary-General invited, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions, to participate in the capacity of observers in its sessions and work, and also invited as observers to the Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda.

5. Under paragraph 7 of the same resolution, non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure of the

02-49593 (E) 130802

Commission, receiving copies of the official documents and making available their materials to delegates.

6. The Bureau of the Preparatory Commission, which was elected at the 1st and 2nd meetings of the Commission, on 16 and 22 February 1999, and at the 34th and 37th plenary meetings, on 8 and 19 April 2002, continued its work at the tenth session, with the following composition:

Chairman:
Philippe Kirsch (Canada)

Vice-Chairmen:
Enver Daniels (South Africa)
George Winston McKenzie (Trinidad and Tobago)
Mirza Kusljugic (Bosnia and Herzegovina)

Rapporteur:
Salah Suheimat (Jordan)

7. The Director of the Codification Division of the Office of Legal Affairs of the United Nations Secretariat, Václav Mikulka, acted as Secretary of the Preparatory Commission. The Codification Division provided the substantive servicing for the Commission.

8. The Preparatory Commission held its tenth and last session from 1 to 12 July 2002.

9. In accordance with the decision taken at its 37th meeting, on 19 April 2002, the Preparatory Commission agreed on a work plan for its tenth session, which divided up the time of the Preparatory Commission between the following remaining five working groups on: the Assembly of States Parties — Preparatory Documents; a Draft Budget for the First Financial Period of the Court; the Remuneration of Judges, the Prosecutor and the Registrar; the Victims Trust Fund; and on the Crime of Aggression.

10. The list of coordinators at the tenth session is as follows:

(a) Saeid Mirzaee-Yengejeh (Islamic Republic of Iran), Coordinator for the Assembly of States Parties — Preparatory Documents;

(b) Valentin Zellweger (Switzerland), Coordinator for a draft budget for the first financial period of the Court;

(c) Gaile Ramoutar (Trinidad and Tobago), Coordinator for the Victims Trust Fund;

(d) John Holmes (Canada), Coordinator for the remuneration of judges, the Prosecutor and the Registrar;

(e) Silvia Fernández de Gurmendi (Argentina), Coordinator for the crime of aggression.

11. At its 38th and 42nd meetings, on 1 and 12 July 2002, respectively, the Preparatory Commission took note of the oral report of Silvia Fernández de Gurmendi (Argentina), Chair of the Bureau's subcommittee acting as an interlocutory with the host country, on the progress made by the advance team of experts working to ensure the early and effective establishment of the Court and on

review meetings, which had included members of the subcommittee, representatives of the host country and the coordinator of the advance team.

12. At its 40th meeting, on 3 July 2002, the Preparatory Commission agreed that the following statement should be transmitted by the Chairman of the Preparatory Commission to the President of the Security Council, the Member States of the Council and the Secretary-General.[1] The statement read as follows:

> "1. The Preparatory Commission for the International Criminal Court, mindful of the Charter of the United Nations and in particular its provisions relating to the powers and functions of the Security Council, is deeply concerned about the current developments in the Security Council regarding the International Criminal Court and international peacekeeping.
>
> "2. The Preparatory Commission calls upon all States to safeguard the independent and effective functioning of the International Criminal Court that is complementary to national jurisdictions.
>
> "3. The Preparatory Commission appeals to the Member States of the Security Council to ensure an outcome of those developments which fully respects the letter and spirit of the Rome Statute of the International Criminal Court."

13. At its 41st meeting, on 8 July 2002, the Chairman of the Preparatory Commission noted that there remained a few outstanding technical issues relating to the Draft Agreement on the Privileges and Immunities of the Court and appointed Irene Gartner (Austria) as focal point for consultations on the outstanding issues. The Chairman also noted that in the context of the work of the Working Group on a Draft Budget for the First Financial Period of the Court, reference had been made to the creation of a position of Director of Common Services to be appointed by the Assembly of States Parties, and decided to appoint Patricio Ruedas (Spain) as focal point on the matter. The Chairman further appointed Hans Bevers (Netherlands) as focal point on issues related to an international criminal bar.

14. At the same meeting, the Preparatory Commission decided to hold the first meeting of the Assembly of States Parties from 3 to 10 September 2002.

15. At its 42nd meeting, on 12 July 2002, the Preparatory Commission invited East Timor to attend its meeting as observer, and the representative of East Timor subsequently made a statement.

16. At the same meeting, the Preparatory Commission took note of the oral reports of the coordinators of the working groups on: the Assembly of States Parties — Preparatory Documents; a Draft Budget for the First Financial Period of the Court; the Victims Trust Fund; the Remuneration of Judges, the Prosecutor and the Registrar; and the Crime of Aggression.

17. Also at the same meeting, the Preparatory Commission adopted the report on the work of its tenth session (PCNICC/2002/2 and Add.1-3).

18. The Preparatory Commission thus completed its mandate in accordance with resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998 and General Assembly resolution 56/85 of 12 December 2001.

19. The Preparatory Commission noted with satisfaction that, during its tenth session, a total of 24 delegates had made use of the trust fund which, pursuant to paragraph 8 of General Assembly resolution 53/105 of 8 December 1998, had been established to facilitate the participation of the least developed countries in the work of the Commission. Those delegates had been provided with airline tickets and daily subsistence allowance. At the 42nd meeting, on 12 July 2002, the Commission took note of the offer made by the International Institute for Human Rights Law, of De Paul University (United States of America), to cover the travel expenses of one delegate from each least developed country interested in attending the first meeting of the Assembly of States Parties in September 2002. The Institute had previously also assisted in the participation of least developed countries at sessions of the Commission.

20. The list of documents relating to the items considered at the tenth session is contained in the annex to the present document.

Notes

[1] The statement was also issued as a document of the Preparatory Commission, under the symbol PCNICC/2002/L.3.

Annex

List of documents*

[Original: Arabic/English/French/Spanish]

General documents

Symbol	*Description*
PCNICC/1999/INF/3	Rome Statute of the International Criminal Court, adopted at Rome on 17 July 1998 — Note by the Secretariat
PCNICC/2000/1	Report of the Preparatory Commission for the International Criminal Court
PCNICC/2000/1/Add.1	Report of the Preparatory Commission for the International Criminal Court — Addendum: Part I — Finalized draft text of the Rules of Procedure and Evidence
PCNICC/2000/1/Add.2	Report of the Preparatory Commission for the International Criminal Court — Addendum: Part II — Finalized draft text of the Elements of Crimes
PCNICC/2000/INF/4	Statements made in plenary in connection with the adoption of the report of the Working Group on the Rules of Procedure and Evidence and the report of the Working Group on Elements of Crimes
PCNICC/2001/1	Report of the Preparatory Commission for the International Criminal Court (continued)
PCNICC/2001/1/Add.1	Report of the Preparatory Commission for the International Criminal Court — Addendum: Part I — draft Relationship Agreement between the Court and the United Nations
PCNICC/2001/1/Add.2	Report of the Preparatory Commission for the International Criminal Court — Addendum: Part II — draft Financial Regulations
PCNICC/2001/1/Add.2/Corr.1	Corrigendum
PCNICC/2001/1/Add.3	Report of the Preparatory Commission for the International Criminal Court — Addendum: Part III — draft Agreement on the Privileges and Immunities of the Court
PCNICC/2001/1/Add.4	Report of the Preparatory Commission for the International Criminal Court — Addendum: Part IV — draft Rules of Procedure of the Assembly of States Parties

* General documents and documents issued at the sixth to tenth sessions of the Preparatory Commission. For the list of documents relating to the draft budget for the first financial year of the Court, the remuneration of judges, the Victims' Trust Fund and to the preparatory documents for the Assembly of States Parties, issued at the eighth to tenth sessions of the Preparatory Commission, see PCNICC/2002/2, annex XV. For the list of documents relating to the crime of aggression issued at the first to tenth sessions of the Preparatory Commission, see PCNICC/2002/2/Add.2

Symbol	*Description*
PCNICC/2002/1	Report of the Preparatory Commission for the International Criminal Court (continued)
PCNICC/2002/1/Add.1	Report of the Preparatory Commission for the International Criminal Court — Addendum: Part I — draft basic principles governing a headquarters agreement to be negotiated between the Court and the host country
PCNICC/2002/1/Add.2	Report of the Preparatory Commission for the International Criminal Court — Addendum: Part II — draft Financial Rules
PCNICC/2002/2	Report of the Preparatory Commission for the International Criminal Court (continued)
PCNICC/2002/2/Add.1	Draft budget for the first financial period of the Court
PCNICC/2002/2/Add.2	Proposals for a provision on the crime of aggression
PCNICC/2002/2/Add.3	Provisional agenda for the first meeting of the Assembly of States Parties, to be held at United Nations Headquarters from 3 to 10 September 2002

Sixth session of the Preparatory Commission (27 November-8 December 2000)

Symbol	*Description*
PCNICC/2000/L.4	Proceedings of the Preparatory Commission at its sixth session (27 November-8 December 2000) (draft summary)
PCNICC/2000/L.4/Rev.1	Proceedings of the Preparatory Commission at its sixth session (27 November-8 December 2000) (summary)
PCNICC/2000/DP.1	Proposal submitted by the United States of America — further issue for consideration by the Preparatory Commission
PCNICC/2000/INF/5	List of delegations (sixth session)

Seventh session of the Preparatory Commission (26 February-9 March 2001)

Symbol	*Description*
PCNICC/2001/L.1	Proceedings of the Preparatory Commission at its seventh session (26 February-9 March 2001) (draft summary)
PCNICC/2001/L.1/Rev.1	Proceedings of the Preparatory Commission at its seventh session (26 February-9 March 2001) (summary)
PCNICC/2000/INF/5/Corr.1	List of delegations (sixth session) — corrigendum
PCNICC/2001/INF/1	Information document submitted by Cameroon
PCNICC/2001/INF/2	List of delegations (seventh session)

Eighth session of the Preparatory Commission (24 September-5 October 2001)

Symbol	*Description*
PCNICC/2001/L.2	Road map leading to the early establishment of the International Criminal Court
PCNICC/2001/L.2/Corr.1	Corrigendum
PCNICC/2001/L.3	Proceedings of the Preparatory Commission at its eighth session (draft summary)
PCNICC/2001/L.3/Rev.1	Proceedings of the Preparatory Commission at its eighth session
PCNICC/2001/L.3/Rev.1/Add.1	Annex II — draft first-year budget
PCNICC/2001/DP.1	Comments by Turkey with regard to the terrorist crimes
PCNICC/2001/DP.2	Views of Estonia on the International Criminal Court
PCNICC/2001/INF/3	Statement by the Minister for Foreign Affairs of the Kingdom of the Netherlands, Jozias J. van Aartsen, presented during the eighth session of the Preparatory Commission on 25 September 2001
PCNICC/2001/INF/4	List of delegations (eighth session)

Ninth session of the Preparatory Commission (8-19 April 2002)

Symbol	*Description*
PCNICC/2002/L.1	Proceedings of the Preparatory Commission at its ninth session (8-19 April 2002) (draft summary)
PCNICC/2002/L.1/Rev.1	Proceedings of the Preparatory Commission at its ninth session (8-19 April 2002) (summary)
PCNICC/2002/L.1/Rev.1/Add.1	Annex II — Revised draft budget for the first financial period of the Court
PCNICC/2002/L.1/Rev.1/Add.2	Annex III — Conditions of service of judges of the International Criminal Court
PCNICC/2002/INF/1	Conclusions of the second Consultation Meeting on the implications for States members of the Council of Europe of the ratification of the Rome Statute of the International Criminal Court, Strasbourg, France, 13 and 14 September 2001, and Declaration on the International Criminal Court, adopted by the Committee of Ministers of the Council of Europe on 10 October 2001: Information document submitted by Liechtenstein
PCNICC/2002/INF/2	Note: Outcome of intersessional meeting of experts held at The Hague from 11 to 15 March 2002, circulated at the request of the Netherlands

Symbol	*Description*
PCNICC/2002/INF/3	Information document submitted by Spain: Declaration by the Presidency on behalf of the European Union concerning the adoption of the Common Position on the International Criminal Court
PCNICC/2002/INF/4	Statement by the Presidency of the European Union on behalf of the European Union: Information document submitted by Spain
PCNICC/2002/INF/5	Statement by the Director-General, ICC Task Force, Ministry of Foreign Affairs of the Government of the Kingdom of the Netherlands, Mr. Edmond Wellenstein, on the revised draft budget for the first financial period of the International Criminal Court, presented during the ninth session of the Preparatory Commission: Information document submitted by the Netherlands
PCNICC/2002/INF/6	List of delegations (ninth session)

Tenth session of the Preparatory Commission (1-12 July 2002)

Symbol	*Description*
PCNICC/2002/L.3	Statement by the Preparatory Commission dated 3 July 2002, transmitted by the Chairman of the Preparatory Commission to the President of the Security Council with copies to the members of the Security Council and to the Secretary-General
PCNICC/2002/L.4	Proceedings of the Preparatory Commission at its tenth session (1-12 July 2002) (draft summary)
PCNICC/2002/L.4/Rev.1	Proceedings of the Preparatory Commission at its tenth session (1-12 July 2002) (summary)
PCNICC/2002/DP.1	Note on the selection of the staff of the International Criminal Court — Proposal submitted by Spain
PCNICC/2002/DP.1/Rev.1	Note on the selection of the staff of the International Criminal Court — Proposal submitted by Spain and Chile
PCNICC/2002/INF/6/Corr.1	List of delegations — Corrigendum (ninth session)
PCNICC/2002/INF/7	Statement of the European Union on the position of the United States of America towards the International Criminal Court — Information document submitted by Spain
PCNICC/2002/INF/8	List of delegations